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REMARKS

Status Summary

Claims 9 and 11-17 are pending in the present application. Claims 9, 16, and 17 have been amended to more particularly define the present subject matter, and new claims 18-27 have been added.

Claim Rejection - 35 U.S.C. § 112

Claims 9 and 11-17 stand rejected by the Examiner under 35 U.S.C. § 112, first paragraph. Applicant wishes to thank the Examiner for the courtesy extended during a telephonic interview with the undersigned representative on September 24, 2004. The Examiner prepared an Interview Summary, mailed September 29, 2004, which states that the Examiner agrees that Figure 2 of the present application discloses, and therefore supports, the feature that the axes of set screw **140** and first screw **130** meet, i.e., intersect. Accordingly, this feature is now incorporated into claim 9. More particularly, claim 9 has been amended and now recites "the set screw extends outside the trough along an axis that intersects at least substantially perpendicularly with an axis of the first screw at a point above the first screw."

Accordingly, having deleted the rejected subject matter from the claims, the rejections under 35 U.S.C. § 112, first paragraph, are believed to be overcome.

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Claim Rejection - 35 U.S.C. § 103

Claims 9-13, 15, and 17 stand rejected for obviousness over U.S. Patent No. 3,988,052 to Mooney et al. ("Mooney") in view of U.S. Patent No. 4,189,198 to Reichman ("Reichman"), claim 14 over Mooney and Reichman in view of U.S. Patent No. 2,116,776 to Bondeson ("Bondeson"), and claim 16 over Mooney and Reichman in view of U.S. Patent No. 4,159,859 to Shemtov ("Shemtov"). These rejections are respectfully traversed, as discussed below

Applicant describes a clamping apparatus for electrically connecting at least a first ground wire to a grounding member. The apparatus includes, among other things, a bottom clamping member comprising a bottom medial portion and first and second threaded holes on first and second sides of the bottom medial portion for accepting first and second screws, respectively. A top clamping member cooperates with the bottom clamping member and includes a top medial portion aligned to cooperate with the bottom medial portion and corresponding first and second holes on first and second sides, respectively, of the top medial portion that correspond to the threaded holes. A trough includes a base wall and a first and second side wall and is attached to the top medial portion of the top clamping member on a side opposite the bottom clamping member. The first side wall has a threaded hole and a set screw adapted to tighten against the second side wall and the trough is arranged with an opening between the first and second side walls. The set screw is positioned such that when the first ground wire is positioned in the trough, the set screw can be

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tightened to apply pressure so that the first ground wire is secured between the set screw and the second side wall.

As clearly shown in Figures 1 and 2 of the application, set screw **140** extends along an axis that intersects at least substantially perpendicularly with an axis of the first screw at a point above the first screw. This feature has now been added to claims 9 and 11-17. This alignment and arrangement can offer an advantage of preventing removal of the clamp from the grounding member unless the ground wire is first removed and the set screw is tightened (or removed). To deter or prevent removal of the clamp, i.e., to make the clamp tamper proof, one need only prevent the removal of the set screw. For example, for removal of the set screw, one can require the use of a specialized tool that is not widely available. Conventional first and second screws can then be used while still providing tamper proof properties to the clamp. Alternatively, the very end of the set screw can be cut off after installation, making the installation permanent.

It is well established that the cited documents must teach or suggest all of the claim limitations to establish a prima facie case of obviousness. The obviousness rejections cannot stand at least because the cited documents fail to teach or suggest all of the claim limitations. Motivations to combine the cited documents and reasonable expectations of successful combinations would also be absent, but it should be sufficient to point out the absent limitations.

None of the cited documents, alone or in combination, disclose or suggest that a "set screw extends outside the trough along an axis that intersects at least

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substantially perpendicularly with an axis of the first screw at a point above the first screw," as defined by claim 9. Mooney discloses a set screw that runs along an axis that is parallel to the axis of the clamp-holding screw. The collar arrangements of Reichman and Shemtov also do not include a set screw with an axis that intersects at least substantially perpendicularly with an axis of a clamp-holding screw. Bondeson does not include a set screw, but uses a nut/bolt and slot arrangement instead. Moreover, Bondeson does not disclose a threaded hole in a first wall of the trough, as defined by claim 9.

Furthermore, the horizontal trough arrangement defined by claim 9 offers additional advantages over Mooney's vertical trough arrangement. For example, one common application for ground clamps is to secure a ground conductor to rebar before pouring concrete, such as in the case of a pool installation. The lower profile of the horizontal trough arrangement, as compared to Mooney's vertical trough arrangement, offers advantages in that less concrete is required to cover the ground clamp due to the lower vertical extension above the rebar.

Accordingly, since the cited documents fail to disclose or suggest all of the claim limitations for at least the above reasons, the obviousness rejections of claim 9 should be withdrawn. In addition, the obviousness rejections of dependent claims 11-17 should be withdrawn for at least the same reasons.

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New Claims

New claims 18-27 have been added by this amendment as indicated above.

Independent claim 18 defines a clamping apparatus for electrically connecting at least a first ground wire to a grounding member that includes, among other things, a threaded hole through the first side wall adapted to matingly engage a set screw positioned along a first axis that intersects at least substantially perpendicularly with a second axis of the first screw at a point above the first screw. New claims 19-27 depend from claim 18.

None of the cited documents, alone or in combination, disclose or suggest "a threaded hole through the first side wall adapted to matingly engage a set screw positioned along a first axis that intersects at least substantially perpendicularly with a second axis of the first screw at a point above the first screw," as defined by claim 18. Mooney discloses a threaded hole for a set screw, but the threaded hole is oriented such that the sets screw runs along an axis that is parallel to the axis of the clamp-holding screw. The collar arrangements of Reichman and Shemtov also do not disclose a threaded hole that is adapted to matingly engage a set screw positioned along a first axis that intersects at least substantially perpendicularly with a second axis. Bondeson uses a nut/bolt arrangement through a slot and thus does not even disclose a threaded hole, as defined by claim 18. It is respectfully submitted that new claims 18-27 are allowable over the prior art for at least these reasons.

No new matter is considered to have been added.

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CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: _____

By: _____


Theodosios Thomas
Registration No. 45,159

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Customer No: 25297